APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,699	01/14/2000	Scott A. Deyoe	DP-302096	8714

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EXAMINER
ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/483,699	DEYOE ET AL
	Examiner	Art Unit	
	Angela A. Armstrong	2654	♡

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _27 June 2002_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-8,10-23,25-40 and 42-48_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-5,8,10-20,23,25-37,40 and 42-48_ is/are rejected.

7) ☒ Claim(s) _6,7,21,22,38 and 39_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _7&8_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-5, 8-14, 16-20 and 23-31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Surace et al (US Patent No. 6,144,938) in view of Polikaitis et al (US Patent

No. 6,336,091).

3.   Regarding claims 1-5, 8-14, 16-20 and 23-31, Surace et al teach

memory for storing information at col. 3, lines 41-42

a processor coupled to the memory at Figure 1, element 105; col. 3, line 42

receiving voice input from the user via microphone at col. 3, lines 55-58

providing voice feedback to the user via speaker at col. 3, lines 55-58

detecting whether the user has provided voice input at col. 7, lines 49-51

determining whether a voice input is associated with a specific user at col. 22, lines 52-54

determining whether the voice input provided by the user is recognized by the speech

recognition system at col. 23, lines 34-43

performing a speech selectable task when the voice input provided by the user is

recognized by the speech recognition system at col. 23, lines 43-45; col. 24, lines 1-5

tracking the users interaction with system at col. 14, lines 52-57

voice feedback provided to the user is level dependent and provides available commands

for a current level at the Abstract and col. 10, lines 21 continuing to col. 11, line 25

Surace et al do not specifically teach providing adaptive voice feedback to the user when

the user has not provided a voice input for a predetermined user specific time period. Refer to

Polikaitis et al who discloses a system for screening speech recognition input which implements

alerting or providing feedback to the user if the voice input provided by the user during a

recognition window contains errors (col. 2, lines 46-48), such as a user not saying anything

during the recognition window (col. 1, lines 44-51)

a user specified or manufacturer specified recognition window (col. 9, lines 35-52)

deactivating the speech recognition system when the voice input from the user is not recognized

by the speech recognition system (col. 2, lines 48-50)

activating the speech recognition system (col. 5, lines 48-50)

activating the speech recognition system via a switch (col. 5, lines 51-52)

activating the speech recognition system via voice (col. 5, lines 51-53)

Polikaitis et al teach that the system is advantageous for providing feedback instructing a

user how to improve the speech input for optimizing the speech recognition system.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention

to modify the speech recognition user interface of Surace et al to implement providing voice

feedback to the user when the user has not provided a voice input during a recognition window

and deactivating the speech recognition system when the voice input from the user is not

recognized by the speech recognition system as taught by Polikaitis et al, for the purpose of

providing feedback instructing a user how to improve the speech input for optimizing the speech

recognition system, as suggested by Polikaitis et al.

4.   Claims 15, 32-37, and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Surace et al (US Patent No. 6,144,938) in view of Polikaitis et al (US Patent No. 6,336,091)

and Everhart et al (US Patent No. 6,240,347).

5.   Regarding claims 15, 32-37, and 40-48 Surace et al teach

memory for storing information at col. 3, lines 41-42

a processor coupled to the memory at Figure 1, element 105; col. 3, line 42

receiving voice input from the user via microphone at col. 3, lines 55-58

providing voice feedback to the user via speaker at col. 3, lines 55-58

detecting whether the user has provided voice input at col. 7, lines 49-51

determining whether a voice input is associated with a specific user at col. 22, lines 52-54

determining whether the voice input provided by the user is recognized by the speech

recognition system at col. 23, lines 34-43

performing a speech selectable task when the voice input provided by the user is

recognized by the speech recognition system at col. 23, lines 43-45; col. 24, lines 1-5

tracking the users interaction with system at col. 14, lines 52-57

voice feedback provided to the user is level dependent at col. 10, lines 21-46

Surace et al do not specifically teach providing adaptive voice feedback to the user when

the user has not provided a voice input for a predetermined user specific time period. Refer to

Polikaitis et al who discloses a system for screening speech recognition input which implements

alerting or providing feedback to the user if the voice input provided by the user during a

recognition window contains errors (col. 2, lines 46-48), such as a user not saying anything

during the recognition window (col. 1, lines 44-51)

a user specified or manufacturer specified recognition window (col. 9, lines 35-52)

deactivating the speech recognition system when the voice input from the user is not

recognized by the speech recognition system (col. 2, lines 48-50)

activating the speech recognition system (col. 5, lines 48-50)

activating the speech recognition system via a switch (col. 5, lines 51-52)

activating the speech recognition system via voice (col. 5, lines 51-53)

Polikaitis et al teach that the system is advantageous for providing feedback instructing a

user how to improve the speech input for optimizing the speech recognition system.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention

to modify the speech recognition user interface of Surace et al to implement providing voice

feedback to the user when the user has not provided a voice input during a recognition window

and deactivating the speech recognition system when the voice input from the user is not

recognized by the speech recognition system as taught by Polikaitis et al, for the purpose of

providing feedback instructing a user how to improve the speech input for optimizing the speech

recognition system, as suggested by Polikaitis et al.

Surace do not specifically teach that the speech selectable task is performed by a motor

vehicle accessory. Refer to Everhart et al who teach a user interface for a voice control system

for controlling a plurality of adjustable parameters of vehicle accessories (abstract). Everhart

teaches that voice control systems are advantageous because it allows a driver to take advantage

of the accessories of the vehicle without interfering with the task of driving (col. 1, lines 11-25).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention

to modify the system of Surace and Polikaitis et al to allow for implementation of the speech

recognition user interface in a motor vehicle accessory system, as taught by Everhart et al, so as

to provide feedback instructing a user how to improve the speech input for optimizing the speech

recognition system, as taught by Polikaitis et al, thus ensuring that the user is able to take

advantage of the accessories of the vehicle without interfering with the task of driving, as

suggested by Everhart et al.

Allowable Subject Matter

6.   Claims 6-7, 21-22, and 38-39 are objected to as being dependent upon a rejected base

claim, but would be allowable over the cited prior art if rewritten in independent form including

all of the limitations of the base claim and any intervening claims.

Response to Arguments

7.   Applicant's arguments filed June 27, 2002 have been fully considered but they are not

persuasive.

8.   Regarding claims 1, 16, and 33, applicant argues that there is no teaching in Surace that is

directed to determining whether voice input is associated with a specific user. The Examiner

disagrees and argues that Surace teaches at col. 7, lines 33-35 that the user interacts with the

voice user interface software over telephone lines via speech input and speech output. At col.

12, lines 42-45, Surace describes the voice user interface with a particular personality executing

on a system for a particular user or subscriber. Additionally at col. 22, lines 52-54, Surace

discloses that users access the system via verification of login and password. Thus, the teachings

of Surace provide for a voice user interface executing on a system for a particular user or

subscriber, in which the user interacts with the voice user interface via speech input and output.

9.   In response to applicant's arguments that there is no teaching in Surace which is directed

to providing adaptive voice feedback that is level dependent and that provides available

commands for a current level, applicant is referred to the abstract; col. 9, lines 3-24; and col. 10,

line 21 continuing to col. 11, line 25.

10.   Regarding claims 2, 17, and 34, applicant argues that there is no teaching in Surace that is

directed to tracking a number of times in which a user has failed to respond for a predetermined

user-specific time period at a given level and deactivating the speech recognition drive system

when a user has failed to respond for a user-specific set number of the predetermined user's

specific time periods at the given level. In response to applicant's arguments against the

references individually, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

11.   In response to applicant's argument that the examiner's conclusion of obviousness is

based upon improper hindsight reasoning, it must be recognized that any judgment on

obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the

time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

170 USPQ 209 (CCPA 1971).

12.   Regarding claims 5, 20, and 37, applicant argues that there is no teaching in Surace that is

directed to a speech recognition driven system that adjusts a predetermined user-specific time

period, or a user-specific set number of predetermined user-specific time periods as the ability of

the specific user changes. In response to applicant's arguments against the references

individually, one cannot show nonobviousness by attacking references individually where the

rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258.

The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-872-9314 for

regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

Richemond Dorvil
Primary Examiner

AAA
September 7, 2002